

MESSAGE NO: 5320111 MESSAGE DATE: 11/16/1994

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-462-306

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/07/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE: PURE
MAGNESIUM FM UKRAINE (A-462-306)

MESSAGE NO: 5320111

DATE: 11 16 1994

CATEGORY: ADA

TYPE: PRE

REFERENCE:

REFERENCE DATE:

CASES: A - 462 - 306

- -

- -

- -

- -

- -

PERIOD COVERED: 11 07 1994 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR
VALUE: PURE MAGNESIUM FM UKRAINE (A-462-306)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER
ON NOVEMBER 07, 1994, ITS PRELIMINARY DETERMINATION OF SALES AT
LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF
PURE MAGNESIUM FROM UKRAINE.

2. THE PRODUCT COVERED BY THIS IS PURE PRIMARY MAGNESIUM
REGARDLESS, OF CHEMISTRY, FORM OR SIZE, UNLESS EXPRESSLY EXCLUDED
FROM THE SCOPE OF THIS INVESTIGATION. PRIMARY MAGNESIUM IS A
METAL OR ALLOY CONTAINING BY WEIGHT PRIMARILY THE ELEMENT

MAGNESIUM AND PRODUCED BY DECOMPOSING RAW MATERIALS INTO MAGNESIUM METAL.

PURE PRIMARY MAGNESIUM ENCOMPASSES ALL PRODUCTS THAT CONTAIN AT LEAST 99.95% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERRED TO AS "ULTRA-PURE" MAGNESIUM), AS WELL AS PRODUCTS CONTAINING LESS THAN 99.95% BUT NOT LESS THAN 99.8% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERED TO AS "PURE" MAGNESIUM). PRODUCTS THAT HAVE THE AFOREMENTIONED PURE PRIMARY MAGNESIUM CONTENT, BUT DO NOT CONFORM TO ASTM SPECIFICATIONS OR OTHER INDUSTRY OR CUSTOMER-SPECIFIC SPECIFICATIONS, ARE INCLUDED IN THE SCOPE OF THIS INVESTIGATION.

PURE PRIMARY MAGNESIUM IS CAST AND SOLD IN VARIOUS PHYSICAL FORMS AND SIZES, INCLUDING INGOTS, SLABS, ROUNDS, BILLETS, AND OTHER SHAPES.

EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE PRIMARY MAGNESIUM ANODES, GRANULAR PRIMARY MAGNESIUM (INCLUDING TURNINGS AND POWDER), AND SECONDARY MAGNESIUM.

GRANULAR MAGNESIUM, TURNINGS, AND POWDER ARE CLASSIFIABLE UNDER THE HTSUS SUBHEADING 8104.30.00. MAGNESIUM GRANULES AND TURNINGS (ALSO REFERRED TO AS CHIPS) ARE PRODUCED BYGRINDING AND/OR CRUSHING PRIMARY MAGNESIUM AND THUS HAVE THE SAME CHEMISTRY ASPRIMARY MAGNESIUM. ALTHOUGH NOT SUSCEPTIBLE TO PRECISE MEASUREMENT BECAUSE OF THEIR IRREGULAR SHAPES, TURNINGS OR CHIPS ARE TYPICALLY PRODUCED IN COARSE SHAPES AND HAVE A MAXIMUM LENGTHOF LESS THAN 1 INCH. ALTHOUGH SOMETIMES PRODUCED IN LARGER SIZES, GRANULES ARE MORE REGULARLY SHAPED THAN TURNING OR CHIPS, AND HAVE A TYPICAL SIZE OF 2MM IN DIAMETER OR SMALLER.

POWDERS ARE ALSO PRODUCED FROM GRINDING AND/OR CRUSHING PRIMARY MAGNESIUM AND HAVE THE SAME CHEMISTRY AS PRIMARY MAGNESIUM, BUT ARE EVEN SMALLER THAN GRANULES OR TURNINGS.

POWDERS ARE DEFINED BY THE SECTION NOTES TO SECTION XV, THE SECTION OF THE HTSUS IN WHICH SUBHEADING 8104.30.00 APPEARS, AS PRODUCTS OF WHICH 90% OR MORE, BY WEIGHT, WILL PASS THROUGH A SIEVE HAVING A MESH APERTURE OF 1MM. (SEE HTSUS, SECTION XV, BASE METALS AND ARTICLES OF BASE METALS, NOTE 6(B).) ACCORDINGLY, THE EXCLUSION OF MAGNESIUM TURNINGS, GRANULES, AND POWDER FROM THE SCOPE INCLUDES PRODUCTS HAVING A MAXIMUM PHYSICAL DIMENSION (I.E., LENGTH OR DIAMETER) OF 1 INCH OR LESS.

THE PRODUCTS SUBJECT TO THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8104.11.00 AND 8104.20.00 OF HTSUS. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE IS DISPOSITIVE.

3. FOR FURTHER REPOSTING PURPOSES, THIS INVESTIGATION HAS BEEN ASSIGNED THE FOLLOWING DOC CASE NUMBER: (A-823-806). FOR CUSTOMS PURPOSES ONLY, THIS CASE HAS BEEN ASSIGNED THE FOLLOWING ID NUMBER: (A-462-306).

4. THE U.S. CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF ALL ENTRY SUMMARIES OF PURE MAGNESIUM FROM THE UKRAINE THAT ARE ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER

NOVEMBER 07, 1994. EFFECTIVE NOVEMBER 07, 1994, CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR BOND FOR SUCH ENTRY SUMMARIES OF THE SUBJECT MERCHANDISE ACCORDING TO THE FOLLOWING SCHEDULE:

MANUFACTURER/ EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
GERALD METALS	A-462-306-001	52.21%
MG METALS	A-462-306-002	36.05%
ALUSUISSE LONZA	A-462-306-003	53.99%
DEREK RAPHAEL & CO	A-462-306-004	53.99%

MARCO TRADING	A-462-306-005	53.99%
WOGEN GROUP LTD.	A-462-306-006	53.99%
ALEX	A-462-306-007	53.99%
MAGES	A-462-306-008	53.99%
F&S	A-462-306-009	53.99%
ALL OTHERS	A-462-306-000	53.00%

5. ANY QUESTIONS BY CUSTOMS OFFICERS SHOULD BE DIRECTED THROUGH THE REGIONAL AD/CVD COORDINATOR, TRADE COMPLIANCE DIVISION, AD/CVD BRANCH, OR VIA EMAIL ATTRIBUTE "HQ OAB". OTHER INTERESTED PARTIES SHOULD CONTACT ERIK WARGA OR ELLEN GREBASCH, OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-0922 AND (202) 482-3773, RESPECTIVELY.

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party